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Response
T. You
7-10-03
[10191/1295]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : HAHN
Serial No. : 09/485,325
Filed : May 22, 2000
For : ELLIPSOMETER MEASUREMENT APPARATUS
Examiner : G. Stock
Group Art Unit : 2877

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Atty's Signature

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KENYON & KENYON

RESPONSE AFTER FINAL

SIR:

In response to the Final Office Action dated January 29, 2003, reconsideration and allowance of the above-referenced application are hereby requested in view of the remarks contained in the following.

Remarks

Claims 9-16 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 9, 10, and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,764,365 to Finarov ("Finarov"). In the previously filed Amendment, Applicant amended claim 9 to recite that the angle measurement device senses an angle of the reflected beam relative to a tangential plane that does not intersect the substrate in an area of the incidence point. In commenting on this amendment in the present Office Action, the Examiner concedes that this limitation is not found in Figure 5C, but he now relies on Figure 2 to show it. Applicant respectfully submits that this reliance on Figure 2 is misplaced. According to Finarov, Figure 5C, on which the Examiner originally relied, illustrates a

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